

MYRTLE HARDING

SEPTEMBER 17 (legislative day, SEPTEMBER 13), 1951.—Ordered to be printed

Mr. McCARRAN, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 1048]

The Committee on the Judiciary, to which was referred the bill (S. 1048) for the relief of Myrtle Harding, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill, as amended, do pass.

AMENDMENT

Strike all after the enacting clause and insert in lieu thereof the following:

That notwithstanding the eleventh category of section 3 of the Immigration Act of 1917, as amended, Myrtle Harding may be admitted to the United States for permanent residence if she is found otherwise admissible under the provisions of the immigration laws.

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to grant a waiver of the excluding provisions of existing law relating to the conviction of a crime involving moral turpitude in behalf of Myrtle Harding so that she may qualify for admission into the United States for permanent residence.

STATEMENT OF FACTS

The beneficiary of the bill is a 51-year-old native and citizen of Canada. She has been in the United States on various occasions as a visitor. The record discloses that she was convicted of violating the criminal code of Canada by fraudulently obtaining accommodations at a hotel. It appears that she stayed at a hotel in Canada, and although she managed to pay for several nights she finally was forced to write a check for \$13 to pay for her accommodations, although she

did not have sufficient funds in the bank. She has been active in Salvation Army work for a number of years and Dr. Harvey H. Springer, pastor of the First Baptist Church and Tabernacle, Englewood, Colo., states that he would be personally responsible for her if she is permitted to enter the United States permanently.

A letter dated August 13, 1951, to the chairman of the Senate Committee on the Judiciary from the Deputy Attorney General with reference to the case reads as follows:

AUGUST 13, 1951.

HON. PAT McCARRAN,
*Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.*

MY DEAR SENATOR: This is in response to your request for the views of the Department of Justice relative to the bill (S. 1048) for the relief of Myrtle Harding, an alien.

The bill would provide that Myrtle Harding shall be considered to have been lawfully admitted to the United States for permanent residence as of the date of its enactment, upon payment of the required visa fee and head tax. It would also direct the Secretary of State to instruct the proper quota-control officer to deduct one number from the appropriate immigration quota.

The files of the Immigration and Naturalization Service of this Department disclose that Miss Harding, a native and citizen of Canada, was born on November 13, 1899, at Yarmouth, Nova Scotia, Canada. She is presently residing in Canada.

The files further reflect that the records of the magistrates court, Toronto, Canada, reveal that on December 9, 1931, Myrtle Harding was convicted of fraudulently obtaining accommodations at the Wilton Courts Hotel to the value of \$13, contrary to the criminal code, section 407 (3), and was sentenced to a term of 3 months in the Toronto Municipal Farm for Women or to a fine of \$100. On November 22, 1949, she was excluded from the United States at Niagara Falls, N. Y., by a board of special inquiry on the grounds that she was an immigrant not in possession of an immigration visa, or of an unexpired passport or official document in lieu thereof in the nature of a passport issued by the government of the country to which she owes allegiance, or other travel documents showing her origin and identity, and that she was inadmissible to the United States as a person who has been convicted of or who admits having committed a felony or other crime or misdemeanor involving moral turpitude, namely, fraudulently obtaining accommodations at a hotel in violation of section 407 (3) of the Criminal Code of Canada. Her appeal to the Commissioner of the Immigration and Naturalization Service was dismissed and the excluding decision was affirmed on December 30, 1949. Her appeal to the Board of Immigration Appeals was dismissed on March 31, 1950. On April 26, 1950, she was granted permission to reapply for admission within 1 year after exclusion and her admission authorized under the ninth proviso to section 3 of the Immigration Act of 1917. On May 6, 1950, she was admitted to the United States as a temporary visitor until August 10, 1950. She returned to this country about August 29, 1950, after her admission was again authorized under the ninth proviso supra. Miss Harding departed from the United States on December 14, 1950.

The record also reveals that Miss Harding testified during the board of special inquiry hearing held on November 22, 1949, that her parents were also native-born citizens of Canada, that for a number of years they were missionaries in Africa, that during their stay in Africa they both became ill and upon their return to Canada required nursing care, and that she cared for them until their death. Her mother died in 1926, and her father died in 1930. She stated that after her father's death she proceeded to Toronto, Canada, where she ran out of funds, and being unable to find a room, she stayed at the Wilton Courts Hotel, that although she managed to pay for several nights, she finally was forced to write a check in the amount of \$13, when she knew that she didn't have sufficient funds in the bank. She further stated that it was her intention to put the money in the bank and repay the hotel, but in the meantime a warrant for her arrest was issued. Miss Harding also stated that her purpose in entering the United States was due to the damp climate in Toronto which was not beneficial to her health, and that she had been offered a position with Dr. Harvey H. Springer, pastor of the First Baptist Church and Tabernacle, Englewood, Colo. It also appears in the record that

Dr. Springer has stated that he would be personally responsible for her, financially and otherwise, upon her entrance into the United States. Miss Harding has been a member of the secretarial staff of the Jarvis Street Baptist Church, in Toronto, Canada, and active in Salvation Army work for a number of years.

Since Miss Harding was born in Canada, she would be eligible for a nonquota visa, except for her conviction of a crime or misdemeanor involving moral turpitude in Canada. Therefore, in the absence of special legislation she is inadmissible to the United States for permanent residence. The excluding provisions of the immigration laws were enacted to protect the citizens of the United States from the admission of hardened and habitual criminals. In Miss Harding's case, however, the only violation of the law occurred approximately 20 years ago. She is and has been for many years associated with the Salvation Army and other religious organizations and has been highly recommended by officials of the Salvation Army and by ministers and other individuals to whom she has been known for many years.

Whether under the circumstances in this case the general provisions of the immigration laws should be waived presents a question of legislative policy concerning which this Department prefers not to make any recommendation. However, since Miss Harding has returned to Canada, the bill as drafted would not accord the desired relief. Therefore, if the measure should receive favorable consideration by the committee, it is suggested that it be amended by striking out all after the enacting clause and substituting the following: "notwithstanding the eleventh category of section 3 of the Immigration Act of 1917, as amended, Myrtle Evelyn Harding may be admitted to the United States for permanent residence if she is found otherwise admissible under the provisions of the immigration laws."

Yours sincerely,

PEYTON FORD,
Deputy Attorney General.

Senator William Langer, the author of the bill, has submitted the following letter in support of the bill:

ENGLEWOOD, COLO., January 6, 1951.

HON. WILLIAM LANGER,
United States Senate, Washington, D. C.

MY DEAR SENATOR LANGER: Below are the answers to the questions you recently sent us, with regard to the Myrtle Harding case:

Question No. 1. The circumstances surrounding the entry of the person to the United States.

Miss Myrtle Harding is of ill health and has spent over 1 year in the United States on a temporary visa. It was found that the climate in Colorado has helped her health condition. This can be supported by doctor's certificates.

Question No. 2. The present activities of such person.

Because of her ill health, her present activity is that of a convalescent.

Question No. 3. How such person is presently earning a living, or whether dependent on some other person for support.

Miss Harding is dependent on no one as she has sufficient funds to take care of her needs.

Question No. 4. Whether or not such person is engaged in any activities, political or otherwise, injurious to the American public interest.

She is engaged in no activities, political or otherwise, injurious to the American public interest.

Question No. 5. Has such person been convicted of an offense under any Federal or State law, and if so, what offense.

She has at no time been convicted of an offense under any Federal or State law.

I shall be happy to appear at any time before the Subcommittee on Immigration and Naturalization to give further information you deem necessary for the passing of a private bill. Let it be further stated that Miss Harding has a wonderful record with the Salvation Army in Canada and various activities for the comfort of under-privileged people. There are a host of friends who desire that in these days when she is not so well physically, she might be taken care of to the

best of her comfort, and it is found that the climate in Colorado relieves a great deal of her suffering.

I shall be happy to assume full responsibility, financially and otherwise, for Miss Harding, in the event it meets with the approval of the Subcommittee on Immigration and Naturalization.

I would appreciate anything you can do for us, and I thank you in advance.

Sincerely yours,

REV. HARVEY H. SPRINGER.

At the time the bill was originally introduced, Miss Harding was in the United States as a visitor and the bill was drafted accordingly. However, she subsequently returned to Canada and is presently in Canada. The bill has, therefore, been amended in accordance with the suggestion contained in the above-quoted letter from the Deputy Attorney General.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 1048), as amended, should be enacted.

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